

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Edward James Harris v. Edward J. Silva

No. EDCV 24-1306-WDK (JPR) · No. EDCV 24-1306-WDK (JPR) · Decided July 31, 2025

SUMMARY

The United States District Court for the Central District of California accepted the magistrate judge’s Report and Recommendation after de novo review of the petitioner’s objections. The court granted the respondent’s motion to dismiss, dismissed the First Amended Petition without prejudice, and directed entry of judgment.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	William D. Keller
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 31, 2025
DOCKET	EDCV 24-1306-WDK (JPR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Order accepting the magistrate judge's report and recommendation, granting respondent's motion to dismiss, and dismissing the first amended federal habeas petition without prejudice.
STANDARD OF REVIEW	De novo review of identifiable portions of the magistrate judge's report and recommendation to which timely and proper objections were made.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	Edward James Harris v. Edward J. Silva, Acting Warden

TOPICS

- federal habeas corpus
- motions to dismiss
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's report and recommendation after de novo review of the timely and properly identified objections.
2. Whether the respondent's motion to dismiss should be granted and the first amended habeas petition dismissed without prejudice.
3. Whether arguments raised for the first time in the objections, repetitive objections, or blanket and boilerplate objections required review.

HOLDINGS

1. The district court must review de novo the identifiable portions of a magistrate judge's report and recommendation to which timely and proper objections are made.
2. The district court may decline to consider arguments raised for the first time in objections, objections that merely repeat arguments rejected in the report and recommendation, and blanket or boilerplate objections to the recommended disposition.
3. The respondent's motion to dismiss was granted, and the first amended petition was dismissed without prejudice.

KEY QUOTATIONS

“The Court has reviewed de novo those identifiable portions of the R&R to which Petitioner has timely and properly objected.” (at 1)

“Concluding that nothing in Petitioner’s Objections affects the material findings and conclusions in the R&R, the Court accepts the findings and recommendations of the Magistrate Judge.” (at 2)

FACTUAL BACKGROUND

Edward James Harris pursued a state-court-related federal habeas petition against Edward J. Silva, identified as Acting Warden. The district court considered Harris's first amended petition, the respondent's motion to dismiss, Harris's opposition, the magistrate judge's report and recommendation, and Harris's objections. The court concluded that the objections did not affect the report and recommendation's material findings and conclusions.

PROCEDURAL HISTORY

Petitioner filed a first amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent moved to dismiss, and the magistrate judge issued a report and recommendation recommending disposition of the petition. After reviewing the petition, motion, opposition, report and recommendation, and petitioner's objections, the district court reviewed de novo the identifiable portions to which timely and proper objections were made, accepted the report and recommendation, granted the motion to dismiss, and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- United States v. Howell, 231 F.3d 615, 621-23 (9th Cir. 2000)
- Trejo Perez v. Madden, 2020 WL 1154807, at *1 (E.D. Cal. Mar. 10, 2020)
- Hagberg v. Astrue, 2009 WL 3386595, at *1 (D. Mont. Oct. 14, 2009)
- McCullock v. Tharratt, 2017 WL 6398611, at *1 (S.D. Cal. Dec. 15, 2017)

OPINION

Edward James Harris v. Tammy Campbell

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

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11 EDWARD JAMES HARRIS) No. EDCV 24-1306-WDK (JPR)

) 12 Petitioner,) ORDER ACCEPTING MAGISTRATE

) JUDGE’S REPORT AND RECOMMENDATION

13 v.)) 14 EDWARD J. SILVA, Acting) Warden,) 15) Respondent.) 16 17 Pursuant to 28
U.S.C. § 636, the Court has reviewed the 18 First Amended Petition, Respondent’s motion to
dismiss, 19 Petitioner’s opposition, the other records on file herein, the 20 Magistrate Judge’s
Report and Recommendation (“R&R”), and 21 Petitioner’s Objections to the R&R (“Objections”).
The Court has 22 reviewed de novo those identifiable portions of the R&R to which 23 Petitioner
has timely and properly objected. See 28 U.S.C. § 24 636(b)(1)©; Fed. R. Civ. P. 72(b); United
States v. Reyna-Tapia, 25 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). 26 In doing so, the Court
has declined to consider any 27 arguments raised for the first time only in the objections. See 28
United States v. Howell, 231 F.3d 615, 621-23 (9th Cir. 2000). has also declined to consider
objections that simply repeat 2 /arguments fully addressed but rejected in the R&R. See Trejo 3 ||
Perez v. Madden, 2020 WL 1154807, at *1 (E.D. Cal. Mar. 10, 2020) 4] (objections that “merely
repeat[] the same arguments .. . 5 | considered and found to be insufficient” require no review
since 6 | they “do not meaningfully dispute the magistrate judge’s findings and
recommendations”); Hagberg v. Astrue, 2009 WL 3386595, at *1 (D. Mont. Oct. 14, 2009)
 (“Objections to a magistrate’s Findings and Recommendations are not a vehicle for the losing
party to 10 | relitigate its case.”). Finally, the Court has declined to consider any blanket or
boilerplate objection to the final 12 || disposition recommended in the R&R. See McCullock v.
Tharratt, 13 2017 WL 6398611, at *1 (S.D. Cal. Dec. 15, 2017). 14 Concluding that nothing in

Petitioner's Objections affects 15 | the material findings and conclusions in the R&R, the Court 16
|| accepts the findings and recommendations of the Magistrate Judge. 17 ACCORDINGLY, IT IS
ORDERED THAT: 18 1. Respondent motion to dismiss is granted. 19 2. The First Amended
Petition is dismissed without 20 || prejudice. 21 3. Judgment be entered consistent with this order.
22 4, The clerk serve this Order on all counsel or parties of 23 || record. 24 IT IS SO ORDERED.
25 . Aiftcet 2 Jette 26 |) DATED: July 31, 2025

WILLIAM D. KELLER

27 U.S. DISTRICT JUDGE

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